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November 14, 2017

VIA E-MAIL

The Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 1950
New York, New York 10007

**Re: *City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.*,
Case No. 15-CV-5345 (AJN) (KHP)**

Dear Judge Parker:

We represent Crossclaim Defendants Viktor and Ilyas Khrapunov (the “Khrapunovs”) in the above-referenced matter. We recently learned from the Khrapunovs’ Swiss counsel that neither Viktor nor Ilyas is legally permitted to participate at the November 15, 2017 evidentiary hearing from Switzerland by the phone or by videoconference. Swiss law provides, “[t]he conduct of a hearing by a foreign authority or foreign lawyers by video conference of witnesses or parties who are physically located in Switzerland constitutes an act by a public authority on Swiss territory, and as such is therefore illegal unless authorized.” *See* Exhibit A. We are advised by counsel for the Khrapunovs that this rule applies with equal force in the context of hearings conducted by telephone or videoconference. Accordingly, the Khrapunovs cannot participate in a U.S. evidentiary hearing scheduled until proper authorization is obtained from the Federal Office of Justice in Switzerland via the Hague convention. We are in the process of obtaining a declaration from the Khrapunovs’ Swiss counsel setting forth in more detail the relevant provisions of Swiss law that prevents our clients from appearing at the upcoming hearing.

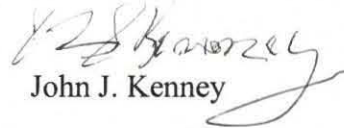
We are willing to proceed with the hearing as scheduled with other evidence, or to adjourn the hearing until after authorization is obtained from the relevant Swiss authorities.

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HOGUET NEWMAN
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Alternatively, counsel for BTA/Almaty may wish to pursue this issue during the Khrapunovs' depositions, which will take place in Switzerland in early 2018.

Respectfully submitted,


John J. Kenney

cc: All Counsel of Record (*by ECF*)